

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 14, 2007

PSF:06od-139

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Oahu

Consent to Assign General Lease No. S-4901, Leina'ala M. Lopes and Carolyn Leina'ala Kahili, Assignor, to Leina'ala M. Lopes, Carolyn Leina'ala Kahili, Wilfred A. Lopes and Darren Kealii Lopes, Assignees, Maunalaha Homesites, Maunalaha, Honolulu, Oahu, TMK: (1) 2-5-24:12.

APPLICANT:

Leina'ala M. Lopes and Wilfred A. Lopes, husband and wife, as tenants by the entirety and Carolyn Leina'ala Kahili, married, and Darren Kealii Lopes, single, all as joint tenants, whose mailing address is 2427 Maunalaha Road, Honolulu, Hawaii 96822.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION AND AREA:

Portion of government lands of Makiki situated at Maunalaha Homesites, Maunalaha, Honolulu, Oahu, identified as Lot 18 and by Tax Map Key: (1) 2-5-24:12, consisting of approximately 1.46 acres, as shown on the attached map labeled Exhibit A.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES _____ NO x

CHARACTER OF USE:

Residential purposes as the Lessee's principle domicile.

TERM OF LEASE:

65 years, commencing on December 1, 1983, and expiring on November 30, 2048.

LEASE RENTAL:

\$120.00 per annum, due semi-annually.

CONSIDERATION:

\$0.

DCCA VERIFICATION: Not required for individuals.

APPLICANT REQUIREMENTS:

Sign statement agreeing to abide by and to be bound by the terms, conditions and covenants of the subject lease agreement.

REMARKS:

The Maunaloa Valley direct leases came about as a result of Act 225, SLH 1981, which authorizes the Department of Land and Natural Resources to negotiate and enter into long-term residential leases with persons who meet the following criteria, as approved at the Land Board's meeting on August 12, 1983, agenda item F-14:

1. At the time of enactment of the Act, reside on a parcel or parcels of land formerly in tax map keys (1) 2-5-19 and 2-5-20, or have permits allowing them to reside on such land, or are descendants of persons who lawfully resided on such land before 1920;
2. Have built homes on such land for use as their own residence prior to 1940, pursuant to government authority; and
3. Can prove that the various governments of Hawaii have expressed an intent to grant them long-term tenure.

A list of approved tenants was included in said Board submittal that included Leina'ala M. Lopes.

General Lease No. S-4901 allows assignments with prior Board approval if:

1. The proposed assignee or transferee meets the eligibility criteria set out in Section 2 of Act 225, SLH 1981, or is a descendant or heir, consanguineous or affined, of the assignor or transferor; and
2. The proposed assignee or transferee shall agree in writing, as a condition precedent, to abide by and to be bound by the terms, conditions and covenants of the subject lease agreement.

The lease was first issued to Leina'ala M. Lopes in 1983. The Board approved the consent to assignment from Leina'ala M. Lopes to Leina'ala M. Lopes and Carolyn L. Kahili (the name as it appears on the assignment document), her daughter, at its October 10, 2003 meeting under agenda item D-13.

Leina'ala M. Lopes and Carolyn L. Kahili now wish to include

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Wilfred A Lopes and Darren Kealii Lopes on this lease, both of whom are eligible for this lease under Act 225, SLH 1981.

The lessees are current with their rent until November 30, 2007 and the liability insurance is current until July 6, 2008. There has not been any Notice of Default letter mailed during the past two years.

The dwelling was build in 1958 but there is no Conservation District Use Permit on file nor was there a City and County building permit issued. The City and County of Honolulu shows a dwelling on their web.

The Assignees have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.


No agency or community comments were solicited.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. S-4901 from Leina'ala M. Lopes and Carolyn Leina'ala Kahili, Assignor, to Leina'ala M. Lopes, Carolyn Leina'ala Kahili, Wilfred A. Lopes and Darren Kealii Lopes, Assignees, subject to the following:

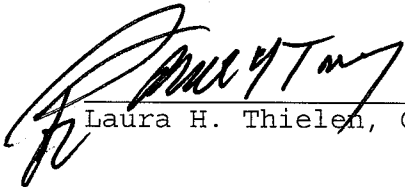
1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



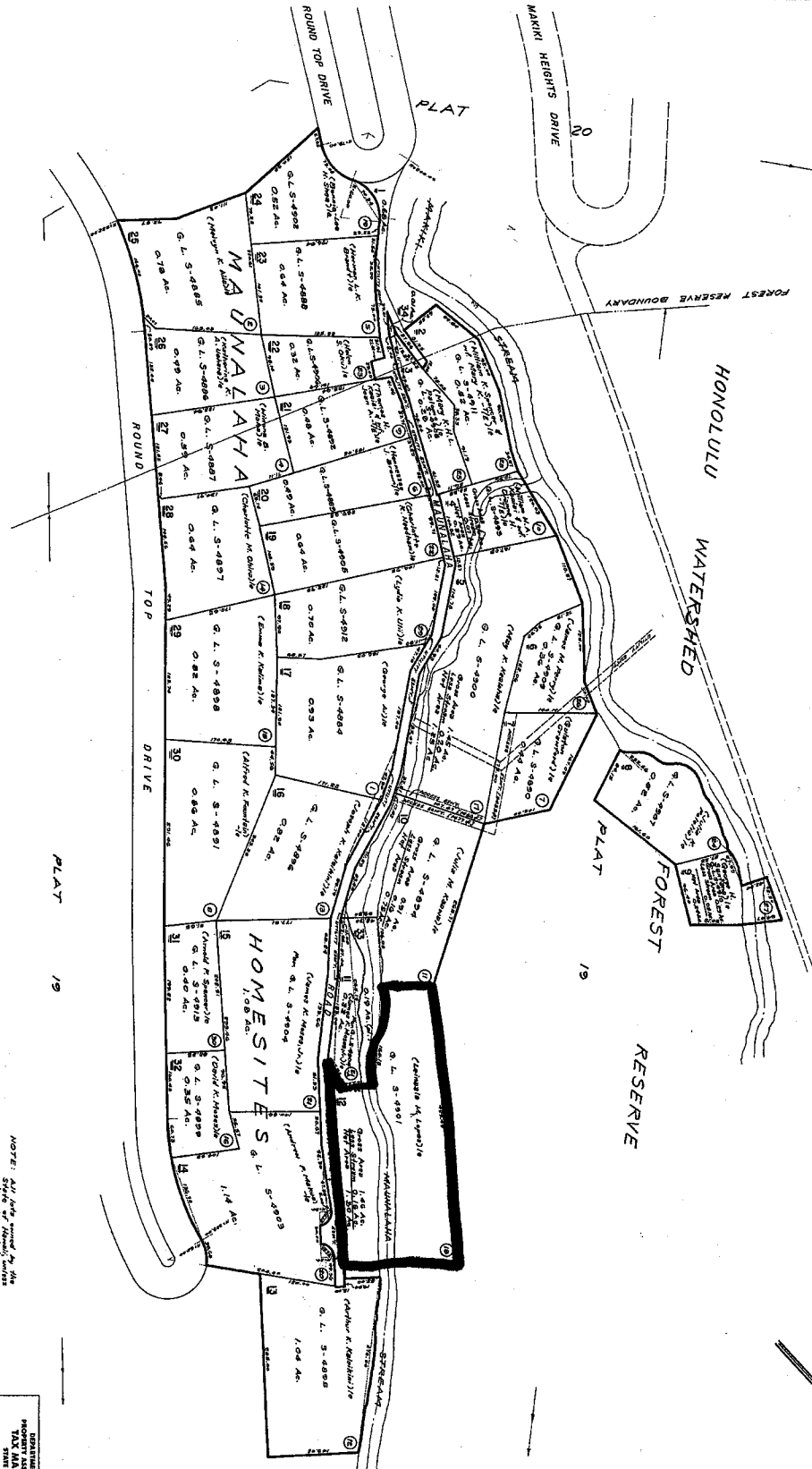
Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

MAKINI & TANTALUS, OAHU, HAWAII, "MAUNALAHUA HOMESITES" (Par. 2-5-19 & 20)



NOTE: All lots owned by the same person are shown with the same owner's name.

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

DEPARTMENT OF REVENUE HONOLULU DISTRICT OFFICE TAX MAP SECTION TAX MAP			
ZONE	SEC.	PLAT	
2	5	24	
SCALE 1" = 80 FT.			